

## Message Text

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ACTION OPIC-06

INFO OCT-01 AF-06 ISO-00 EB-07 AID-05 IGA-01 /026 W

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R 031010Z JUN 75

FM AMEMBASSY MOGADISCIO

TO SECSTATE WASHDC 2926

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FOR OPIC FOR MRS. COLE

E.O. 11652: N/A

TAGS: EINV, SO

SUBJECT: FEARN/PRODMA

PARAS 1 - 8 CONTAIN MESSAGE FROM ADVOCATE MOHAMOUD SHEIKH AHMED.

PARA 9 IS EMBASSY ADDENDUM.

1. QTE REGRET TERMINATION BENEFITS OF PRODMA WORKERS NOT FINALIZED YET.
2. CLAIMS TENDERED BY WORKERS AMOUNT TO JUST UNDER THIRTY THOUSAND SHILLINGS. THIS AMOUNT CALCULATED BY KISMAYO REGIONAL LABOR OFFICE ON DECLARATION OF LIBAN IN ACCORDANCE WITH LABOR CODE. SINCE THERE IS NO RECORD TO VERIFY THIS SEEMINGLY REASONABLE AMOUNT, I PROPOSE TO CERTIFY IT. ABOVE AMOUNT DOES NOT RPT NOT INCLUDE LIBAN'S SEPARATION BENEFITS.
3. LIBAN CLAIMING THIRTY-FOUR THOUSAND TWO HUNDRED THIRTY-EIGHT SHILLINGS. CLAIM ITEMIZED AS FOLLOWS. TWENTY-SIX THOUSAND FIVE HUNDRED EIGHT TERMINATION BENEFIT, FOR ONE YEAR. REMAINDER VACATION LEAVE.
4. THE VACATION LEAVE ALREADY IN YOUR FILE AND WAS DUE FROM FEARN. IT APPEARS REASONABLE SINCE TERMINATION BENEFITS PAID BY FEARN DID NOT INCLUDE CUSTOMARY LEAVE PAY.
5. ONE YEAR TERMINATION BENEFIT BASED PARTYLY ON WRITTEN AGREEMENT

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REACHED WITH MR. HOEVELER AND PARTLY ON VERBAL ACCORD CONCLUDED WITH

SAME.

6. WRITTEN AGREEMENT STATES THAT LIBAN ENGAGED BY OPIC ON SAME WORK CONDITIONS AS FEARN. LIBAN ARGUES THAT THIS TEXTENDS TO TERMINATION BENEFITS AS WELL SO THAT THE ONE YEAR BENEFIT PAID BY FEARN ALSO DUE FROM OPIC. HE CONTENTS HIS ARGUMENT SUPPORTED BY VERBAL AGREEMENT-REACHED WITH MR. HOEVELER.

7. CONTENTS OF VERBAL AGREEMENT UREFER SPECIFICALLY TO TERMINATION. ACCORDING TO LIBAN, MR. HOEVELER OFFERED HIM CHOICE OF ONE YEAR'S TERMINATION PAYMENT (I.E. SAME AS ARRANGEMENT WITH FEARN) OR TERMINATION BENEFIT CALCULATED AT END EMPLOYMENT BY OPIC ON BASIS OF LABOR CODE. LIBAN OPTED FOR ONE YEAR PAYMENT. LIBAN ARGUES THAT HE COMMITTED CONDITIONS OF VERBAL AGREEMENT TO WRITING IN LETTER ADDRESSED TO MR. HOEVELER WHILE LATTER WAS IN MOGADISCIO. MR. HOEVELER DID NOT REPLY TO LETTER. LIBAN ASSERTS THAT FAILURE TO REPLY SIGNIFIED AGREEMENT.

8. LIBAN STRIKES ME AS QUITE SINCERE REGARDING CLAIM OF VSXBAL ACCORD WITH HOEVELER. THEREFORE THIS MATTER REFERRED TO YOU FOR DECISION. GRATEFUL EARLY REPLY. (S/ AVV. MOHAMOUD SHEIKH AHMED. UNQTE

9. EMBASSY COMMENT: A) LAWYER TOLD US BANK WILL NOT FORWARD PAYMENT TO OPIC UNTIL MINISTRY OF LABOR GIVES GO-AHEAD WHICH, HE CLAIMS, WILL HAPPEN ONLY AFTER ISSUE OF TERMINATION BENEFITS SETTLED TO MINISTRY'S SATISFACTION. LAWYER WANTS TO AUTHORIZE BANK WITHHOLD FROM PAYMENT TO OPIC AN AMOUNT SUFFICIENT TO COVER WHATEVER TERMINATION BENEFITS EVENTUALLY AGREED UPON AND REQUESTS OPIC GUIDANCE IN THIS REGARD. BELIEVES LAOR WILL THEN AUTHORIZE BANK TO FORWARD REMAINDER TO OPIC. IF THIS COURSE NOT RPT NOT FOLLOWED, LAWYER THINKS CASE WILL DRAG ON INDEFINITELY ALBEIT WITH OUTCOME FAVORABLE TO OPIC. WE ALSO UNDERSTAND LIBAN PREPARING TO GO TO COURT TO WIN ALLOWANCES HE BELIEVES HIS DUE. LAWYER SAYS COURT LIKELY TO BE SYMPATHETIC TO LIBAN \$, IN A P EVENT, COURT ACTION BY LIBAN WOULD FURTHER DELAY PAYMENT TO PIC.

B) WE HAVE DOUBTS ABOUT COURT UPHOLDING LIBAN CLAIM. IF HOEVELER CAN NOT RPT NOT SUBSTANTIATE LIBAN'S MEMORY OF HIS VERBAL T AGREEMENT, WE RECOMMEND THAT WE NOT RPT NOT PAY ONE YEAR'S LIMITED OFFICIAL USE

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RMINATION CLAIM. C) PLEASE ADVISE.  
HAMRICK

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, WAGES, LABOR RELATIONS, BANKS, LOANS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 03 JUN 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** buchant0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
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**Disposition Remarks:**  
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**Document Unique ID:** 00  
**Drafter:** n/a  
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**Film Number:** D750193-0681  
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**Office:** ACTION OPIC  
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**Original Handling Restrictions:** n/a  
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**Previous Classification:** LIMITED OFFICIAL USE  
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**TAGS:** ELAB, SO, (AHMED, MOHAMOUD SHEIKH)  
**To:** STATE  
**Type:** TE  
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